

EX PARTE OR LATE FILED



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**EX PARTE PRESENTATION**

**RECEIVED**

**FEB 26 1999**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 98-147

Dear Ms. Salas:

On behalf of Sprint Corporation, attached are two documents for inclusion in the record in the referenced proceeding. The first document, titled "Sprint Corporation Proposed Collocation and Unbundling Rules," represents Sprint's view of how the existing Commission rules should be modified to reflect the positions Sprint has taken in this proceeding. Sprint used, as a starting point, the proposed rules submitted by Covad as Attachment 4 to its September 25, 1998 Comments in this proceeding, and modified Covad's proposed rules to reflect Sprint's positions. For the staff's convenience, the second attachment, titled "Attachment 4, Proposed Collocation and Unbundling Rules," shows the original text of Covad's Attachment 4 as modified by Sprint.

An original and one copy of this letter are being filed.

Sincerely,

**Attachments**

C: Larry Strickling  
Carol Matthey  
Michael Pryor  
Jonathan Askin  
Daniel Shiman  
Jason Oxman

No. of Copies rec'd 0+1  
List ABCDE

# **Sprint Corporation**

## **Proposed Collocation and Unbundling Rules**

## **SPRINT'S PROPOSED COLLOCATION AND LOOP RULE REVISIONS**

47 C.F.R. § 51.5 (Terms and Definitions) shall be amended by replacing the definitions of "Physical Collocation" and "Premises" as follows-

*Physical Collocation.* *Physical collocation* is required by Section 251 (c) (6) of the Act. Multiple technically feasible forms of physical collocation shall be made available by incumbent LECs, as described in 51.323 (a) of these Rules. All forms of physical collocation enable a requesting telecommunications carrier to:

- (1) Place any equipment that is integral to the provision of advanced services, including packet switching and ancillary equipment, CPE and other equipment, used or useful for interconnection or access to unbundled network elements within or upon an incumbent LEC's premises. Equipment used and useful for interconnection and access to unbundled network elements includes, but is not limited to, all features and functions of:
  - (a) Transmission equipment including, but not limited to, optical terminating equipment and multiplexers;
  - (b) Digital Subscriber Line Access Multiplexers ("DSLAMS");
  - (c) Remote access management equipment, including equipment used to access and monitor this equipment;
  - (d) Rack-mountable digital packet switches, cross-connect equipment, and routers; and
  - (e) Equipment being collocated to terminate basic transmission facilities pursuant to Sections 64.1401 and 64.1402 of this chapter as of August 1, 1996.;
- (2) Use any or all the features, functions and capabilities of such equipment to interconnect with an incumbent LEC's network facilities for the transmission and routing of telephone exchange service, exchange access service, or both, or to gain access to an incumbent LEC's unbundled network elements for the provision of any telecommunications service;
- (3) Enter those premises, subject to reasonable terms and conditions permitted by Section 51.323 of these Rules, to install, maintain, and repair equipment used or useful for interconnection or access to unbundled elements;
- (4) Obtain reasonable amounts of space within or upon an incumbent LEC's premises, as provided in this part, for the equipment used or useful for interconnection or access to unbundled elements, allocated on a first - come, first - served basis. Technical feasibility shall include the relocation of the ILECs existing equipment from one bay to another to allow for contiguous collocation space; and

- (5) With respect to the central office or remote locations in which collocation is being requested, obtain loop prequalification information regarding average loop length, a reasonable estimate of (or actual, if available) the percentage of loops served from the central office that are less than 18,000 feet, 12,000 feet, and 9,000 feet from the central office or remote location, the percentage of customers served by any type of digital line concentrators, geographic areas where there are limitations on the deployment of xDSL equipment due to power spectrum density considerations, or any other limitations or restrictions that would prevent or constrain the provision of xDSL services via that physical collocation arrangement.

*Premises.* *Premises* refers to an incumbent LEC's central offices, remote locations, and serving wire centers, as well as all buildings and structures owned or leased by an incumbent LEC to house its network facilities, and all structures that house incumbent LEC facilities on public rights-of-way, including but not limited to terminals and vaults containing loop concentrators, or similar structures.

47 C.F.R. § 51.321 shall be amended by replacing subsections (b), (c), (d), (e), (f) and (h) as follows-

- (b) Technically feasible methods of obtaining interconnection or access to unbundled network elements include, but are not limited to:
  - (1) Physical collocation and virtual collocation at the premises of an incumbent LEC (including all forms of physical collocation as defined by Section 51.323 (a) of these Rules); and
  - (2) Meet point interconnection arrangements.
- (c) A previously successful method of obtaining interconnection or access to unbundled network elements at a particular premises or point on the network of a telecommunications carrier ( including any particular form of physical collocation as defined in Section 51.323 (a)) is substantial evidence that such method is technically feasible in the case of substantially similar network premises or points on any incumbent LEC's network.
- (d) An incumbent LEC that denies a request for a particular method of obtaining interconnection or access to unbundled network elements on the incumbent LEC's network (including any particular form of physical collocation as defined in Section 51.323 (a)) shall notify the state commission of the dispute within five (5) business days, and must prove to the state commission with clear and convincing evidence that the requested method of obtaining interconnection or access to unbundled network elements at the requested point is not technically feasible. In the event that the state commission does not enter a decision in this dispute within sixty (60) calendar days of the incumbent LEC's denial, any party to the dispute may request the Commission to act pursuant to the procedures of Sections 51.801, *et seq.* of these Rules. A state commission's application of a different legal standard or burden of proof in resolving a dispute pursuant to this subsection shall constitute a failure of the state to carry out its responsibility under Section 252 of the Act, and any party in that proceeding may immediately request the Commission to act pursuant to the procedures of Sections 51.801, *et seq.* of these Rules.
- (e) An incumbent LEC shall be required to provide for any technically feasible form of physical collocation of equipment used or useful for interconnection or access to unbundled network elements within or upon a particular incumbent LEC premises unless it demonstrates with clear and convincing evidence to the state commission (and the state commission finds that the incumbent LEC has met this burden within sixty days (60) calendar days of the incumbent LEC's demonstration) that the requested form of physical collocation within or upon that particular premises is not practical for technical reasons or because of space limitations. The incumbent LEC must make the

demonstration required by this subsection within thirty (30) calendar days of rejecting any application for any form of physical collocation within or upon any premises of that incumbent LEC by any requesting telecommunications carrier. This demonstration must contain clear and convincing evidence that the incumbent LEC is in full compliance with the requirements of Section 51.323 (f) (including Sections 51.323 (f) (3), (4), (5), (8), and (9) of this part. The incumbent LEC shall serve this demonstration upon all requesting telecommunications carriers who have applied for any form of physical collocation at that particular incumbent LEC premises within twelve (12) months of the date of the demonstration and upon all entities that have already established any form of physical collocation at the particular incumbent LEC premises. In such cases where the state commission finds that the incumbent LEC's demonstration has met its burden within sixty (60) calendar days of the filing required by this subsection, the incumbent LEC shall be required to provide virtual collocation, except at points where the incumbent LEC proves to the state commission that virtual collocation is not technically feasible by clear and convincing evidence. If virtual collocation is not technically feasible, the incumbent LEC shall provide other methods of interconnection and access to unbundled network elements to the extent technically feasible. In the event that the state commission does not act within sixty (60) calendar days of receiving an incumbent LEC filing made pursuant to this subsection, any party in that proceeding may request the Commission to act pursuant to the procedures of Section 51.801, *et seq.* of these Rules. A state commission's application of a different legal standard or burden of proof in a proceeding initiated pursuant to this subsection shall constitute a failure of the state to carry out its responsibility under Section 252 of the Act, and any party in that proceeding may immediately request the Commission to act pursuant to the procedures of Sections 51.801 *et seq.* of these Rules.

(f) As part of the demonstration required by subsection (d) or (e) above, an incumbent LEC shall submit to the state commission detailed floor plans or diagrams of any premises where the incumbent LEC claims that physical collocation is not practical because of space limitations. Subject to an appropriate protective order requested by the incumbent LEC, the incumbent LEC shall provide a copy of these detailed floor plans or diagrams to all requesting telecommunications carriers and to any interested party within five business days of the interested party's request. Within five (5) business days of rejecting any application by a requesting telecommunications carrier for any form of physical collocation of equipment at the incumbent LEC's premises for technical reasons or because of space limitations, the incumbent LEC shall (subject to an appropriate protective order) provide, upon request, the requesting carrier detailed floor plans or diagrams of the particular premises and permit the requesting telecommunications carrier to tour the particular premises during regular business hours.

Section 51.323 (Standards for Physical Collocation and Virtual Collocation) is amended by replacing current subsections (a), (b), (c), (f), (i) and (j) and inserting new subsections (k) and (l) as follows -

(a) An incumbent LEC shall provide physical collocation and virtual collocation to requesting telecommunications carriers.

(1) An incumbent LEC has the obligation to provide requesting telecommunications carriers with any technically feasible physical collocation arrangement, pursuant to the procedures of Section 51.321 of these Rules, including, but not limited to, cageless physical collocation, CEV hut collocation, and shared cage collocation.

(2) As used in this part, "cageless physical collocation" is a form of physical collocation in which a requesting telecommunications carrier has the ability to place its own equipment in single bay increments within or upon already-conditioned floor space in an incumbent LEC's premises. The requesting telecommunications carrier may (i) use all the features, functions and capabilities of such equipment to interconnect with an incumbent LEC's network facilities for the transmission and routing of telephone exchange service, exchange access service, or both or to gain access to an incumbent LEC's unbundled network elements for the provision of a telecommunications service; (ii) enter those premises, subject to reasonable and nondiscriminatory terms and conditions, to install, maintain, and repair such equipment; (iii) obtain single-bay increments of conditioned floor space within or upon the incumbent LEC's premises for equipment used or useful for interconnection or access to unbundled elements, allocated on a first-come, first-served basis, as required by this part; and (iv) reserve adjacent conditioned space for an additional three bays of equipment for up to three months.

(3) As used in this part, "CEV hut collocation" is a form of physical collocation in which a requesting telecommunications carrier has the ability to place its own equipment in a controlled environmental vault ("CEV" hut) within or upon an incumbent LEC's premises. The CEV hut may be designed or otherwise procured and installed by the requesting telecommunications carrier. An incumbent LEC shall provide power, cabling and other physical collocation services and facilities to requesting telecommunications carriers on nondiscriminatory terms, with costs borne by the requesting carrier.

(4) Shared cage collocation is an arrangement in which a physical collocation space occupied by a current collocater is shared with one or more requesting telecommunications carriers pursuant to terms and conditions agreed to by those carriers. Sharing or subletting of physical collocation space shall require the approval of the incumbent LEC, however, the incumbent LEC shall not unreasonably withhold approval of these shared collocation arrangements. Within ten (10) business days of being notified that two or more requesting telecommunications carriers are requesting to share a physical collocation node, the incumbent LEC shall affirmatively respond

to the proposed arrangement.

- (5) To the extent technically feasible, incumbent LECs shall, at a minimum, afford all requesting telecommunications carriers parity in the terms and conditions for all forms of physical collocation. As used in this section, "parity" means that all requesting telecommunications carriers shall be subjected to only the same terms and conditions in physically collocating equipment within or upon incumbent LEC premises as incurred by the incumbent LEC when it locates and operates its own equipment within or upon its premises.
- (b) An incumbent LEC shall permit the collocation of any type of NEBS Level 1-compliant equipment used or useful for interconnection or access to unbundled network elements in the provision of a telecommunications service. Except as expressly approved by the Commission upon application by an incumbent LEC, an incumbent LEC may not impose any more restrictive safety standards upon collocated equipment than it applies to similar equipment that it has placed within or upon any of its premises for similar purposes. If an incumbent LEC objects to collocation of any particular piece of equipment, the incumbent LEC must immediately provide certification that it does not use this or similar non-NEBS Level 1 compliant equipment in its own network, must certify that other collocating parties have not placed equipment that is not NEBS Level 1 compliant; and if non-NEBS Level 1 compliant equipment has been installed, must provide a list of such equipment and the party operating the equipment. Conversely, collocating telecommunications carriers must disclose the type(s) of equipment (including make and model number) placed in its collocation space, both at the time of initial placement and at the time of any and all augmentations. In the event an incumbent LEC objects to collocation of equipment by a collocating telecommunications carrier for purposes within the scope of the Act, the incumbent also must, within five (5) business days, file with the Commission, and serve upon the collocating telecommunications carrier via overnight delivery service or electronic mail, clear and convincing proof supporting that position. The Commission shall act within sixty (60) calendar days of the incumbent LEC's filing made pursuant to this subsection.
- (c) Nothing in this section requires an incumbent LEC to permit collocation of circuit-based switching equipment or equipment used solely to provide enhanced services.
- \* \* \*
- (f) An incumbent LEC shall allocate space for the collocation of the equipment identified in paragraph (b) of this section pursuant to the following



requirements:

- (1) An incumbent LEC shall, for physical collocation, make single-bay increments of space available within or upon its premises to requesting telecommunications carriers on a first-come, first-served basis, provided, however, that the incumbent LEC shall not be required to lease or construct additional space at central offices and wire centers to provide for physical collocation when existing space has been exhausted;
- (2) An incumbent LEC shall, for virtual collocation, make space available within or upon its premises to requesting telecommunications carriers on a first-come, first-served basis;
- (3) If requested by a requesting telecommunications carrier, an incumbent LEC shall remove non-essential, i.e., not directly related to the function of that particular central office or remote location, administrative offices, recreational space, and any unused, little used, or retired equipment within or upon its premises.
- (4) To the extent technically feasible, an incumbent LEC shall make contiguous space available to requesting telecommunications carriers that seek to expand their existing collocation space. Technical feasibility shall include relocation of incumbent LEC equipment from one bay to another to create contiguous cageless collocation space;
- (5) When planning renovations of existing facilities or constructing or leasing new facilities, an incumbent LEC shall make known its expansion plans and allow for input by collocating carriers and shall take into account projected demand for collocation of equipment to the extent forecasts for such demand have been submitted by collocating carriers to the incumbent LEC;
- (6) If an incumbent LEC receives an application for physical collocation on an incumbent LEC premises and the incumbent LEC has sufficient amount of already-conditioned or prepared floor space anywhere within or upon that premises that would accommodate that application, the incumbent LEC shall construct the collocation cage, if applicable, and provide the requesting telecommunications carrier that space within 90 calendar days. The incumbent LEC shall construct a collocation cage or cabinet around that space only upon the request of the requesting telecommunications carrier. In the event the incumbent LEC does not believe that enough suitable, already-conditioned or prepared floor space is available, it shall, within ten (10) business days, notify the requesting telecommunications carrier of the belief, and the procedures of Section 51.321 (e) shall apply to any dispute between the requesting telecommunications carrier and the incumbent LEC on this subject.
- (7) In the event the incumbent LEC is required to condition, relocate administrative offices, relocate equipment between bays to create contiguous space or otherwise prepare additional floor space in response to a particular request for physical collocation, the incumbent LEC may require more time to prepare the space for collocation, but in no case should the time exceed 180 calendar days from the date of application. Further, the incumbent LEC may only charge the requesting telecommunications carrier for relocation, conditioning and/or space preparation costs associated with the amount of space requested;

- (8) An incumbent LEC may retain a limited amount of floor space for its own specific future uses, provided, however, that the incumbent LEC may not reserve space for future uses on terms more favorable than those that apply to other telecommunications carriers seeking to reserve collocation space for their own future use. In no event shall any incumbent LEC reserve space for longer than twelve months for itself or for any other entity. In the event an incumbent LEC retains a limited amount of floor space for its own specific future uses, for those locations where demand for physical space exceeds space available it shall file every six (6) months with the appropriate state commission: (i) a list of its premises where it has exercised its rights pursuant to this subsection; (ii) the amount and location of floor space it has retained in each of these premises; (iii) a description of the specific future use for which the incumbent LEC has retained said space; and (iv) a detailed floor plan or diagram of the particular incumbent LEC premises. Subject to an appropriate protective order, these filings shall be served upon any requesting telecommunications carrier that has applied for physical collocation in that particular LEC premises in the past six (6) months and upon all entities that have established a collocation node at that particular premises. Other requesting telecommunications carriers may obtain copies of these filings subject to an appropriate protective order; and
- (9) An incumbent LEC may impose reasonable restrictions on the warehousing of unused space by collocating telecommunications carriers, provided, however, that the incumbent LEC shall not set maximum space limitations applicable to such carriers unless the incumbent LEC proves to the state commission that space constraints make such restrictions necessary with respect to the particular premises.

\* \* \*

- (i) With regard to all forms of physical collocation, an incumbent LEC may, without subjecting the requesting telecommunications carrier to any delay in obtaining collocation space, require reasonable and nondiscriminatory security arrangements. Reasonable security arrangements may include security escorts, background checks, key card entry systems, video surveillance systems, equipment cabinets or lockers and alarms. Incumbent LECs may charge a fee that recovers the cost of specific security arrangements (i.e., security escorts) directly attributable to that telecommunications carrier. Incumbent LECs may require requesting telecommunications carriers to install, maintain or repair equipment collocated pursuant to cageless physical collocation (as defined in this section) pursuant to nondiscriminatory "safe-time" work policies, if the incumbent LEC utilizes the same policies for installation, maintenance or repair of its own telecommunications equipment. In no event shall an incumbent LEC, based solely on security concerns, refuse to provide or delay the provision of any form of physical collocation (including cageless physical collocation) to a requesting telecommunications carrier. In no event shall an incumbent LEC, based solely on security concerns, require a requesting telecommunications carrier to pay for or await space, floor or room conditioning work if already-conditioned space is available within or upon the premises on a single-bay

increment. In no event shall an incumbent LEC's security arrangements or other security policies unduly restrict or hinder the ability of the requesting telecommunications carrier to maintain a high level of customer service, including, but not limited to, security arrangements that would unduly limit, restrict or effectively prohibit the ability of a requesting telecommunications carrier to repair collocated telecommunications equipment at any time to correct as soon as possible a service outage or service impairment.

- (j) An incumbent LEC shall permit a requesting telecommunications carrier to subcontract all work associated with collocation cage or rack construction and equipment placement with contractors approved by the incumbent LEC; provided, however, that the incumbent LEC shall not unreasonably withhold approval of contractors and work to be performed. Approval by an incumbent LEC shall occur within thirty (30) days of application to the incumbent LEC and shall be based on the same criteria it uses in approving contractors or work performance for its own purposes.
- (k) Within six months of the effective date of these rules, all incumbent LECs shall create, maintain and make available (upon request and posted on the Internet, or through ILEC publication in accordance with Par. 51.325 through 51.334 of Title 47 of the Code of Federal Regulations) a report of the collocation space availability status in each of their central offices, wire centers, or comparable facilities that serve in excess of 10,000 access lines in the top 100 MSAs. For the remaining central offices, wire centers, or comparable facilities that serve in excess of 10,000 access lines in the remaining MSAs, the incumbent LECs shall create, maintain, and similarly make available such a report pursuant to a bona fide request. This report shall include the following information for each premises: (i) address, town and state; (ii) CLLI code; (iii) number of entities with established physical collocation arrangements; (iv) number of entities with established virtual collocation arrangements; (v) total amount of floor space supporting physical collocation arrangements; (vi) amount of already-conditioned floor space (listed in bays) available for collocation; (vii) all forms of physical collocation (including, but not limited to cageless and CEV) and virtual collocation that are available on the premises; (viii) amount of floor space being retained by the incumbent LEC for future specific uses pursuant to subsection (f); (ix) amount of floor space devoted to collocation arrangements that are currently in process; (x) measures the incumbent LEC is taking to comply with Section 51.323 of these Rules and make additional space available for physical collocation; (xi) the number of loops served from the serving location by loop type; (xii) a reasonable estimate of (or actual, if available) the percentage of loops that are less than 18,000 feet, 12,000 feet, and 9,000 feet in length; and (xiii) the number of loops served from digital loop carriers. The incumbent LEC shall update this report every six months and whenever the incumbent LEC installs, replaces, retires or removes equipment from the premises.

- (l) Except as explicitly provided in this part, all disputes related to the rates, terms and conditions of all forms of physical and virtual collocation implemented pursuant to FCC rule shall be resolved by application or complaint to the Commission.
- (m) At such time as the requesting telecommunications carrier adds to or modifies the type or quantity of equipment in its already-existing collocation cage (i.e. augments the equipment placed in the existing collocation space) that requires the incumbent LEC to modify power, HVAC, or other environmental conditioning, it must support the request with a written description and justification and of the planned equipment change. Absent extenuating circumstances, the incumbent LEC must accommodate such a change within 30 calendar days and at a total cost no greater than the incremental cost of engineering review and equipment placement or modification (e.g., power increases), to the extent the requested changes are consistent with the requesting telecommunications carriers initial forecast. To the extent the requested changes are materially different than what was forecasted, the incumbent LEC must accommodate such changes within 60 calendar days (absent extenuating circumstances), at a cost no greater than the incremental cost of engineering review and equipment placement or modification.

47 C.F.R. § 51.319 (Specific unbundling requirements)

§51.319 Specific unbundling requirements, is amended by replacing subsection (a) as follows and adding subsection (h) as follows-

(a) *Local Loop.* The local loop network element is defined as the total features, functions and capabilities of an incumbent LEC's transmission facility between a distribution frame (or its equivalent) in an incumbent LEC central office and/or remote location and an end user customer premises. The provision of a local loop by an incumbent LEC may involve the conditioning or modification of that facility to support analog (by, *inter alia*, insertion of analog load coils and repeater and removal of any digital repeaters and certain digital line cards along the path of the transmission facility), ISDN (by, *inter alia*, insertion of appropriate digital line cards and digital repeaters and removal of any excessive bridge taps, analog load coils and unsuitable repeaters along the path of the transmission facility), or xDSL services (by, *inter alia*, insertion of appropriate digital line cards and digital repeaters and removal of any excessive bridge taps, analog load coils and unsuitable repeaters along the path of the transmission facility). The requesting telecommunications carrier shall choose whether it is to be provided an analog-conditioned, ISDN-conditioned, or xDSL-conditioned unbundled local loop. A requesting telecommunications carrier may use any of the features, functions and capabilities of an unbundled local loop in any manner to support any telecommunications service that it seeks to offer. An unbundled local loop may be used by a requesting telecommunications carrier for any purpose or service consistent with these Rules and the Act. The requesting telecommunications carrier may request any technically feasible unbundling of a local loop capable of supporting DSL services including, but not limited to, the methods described in this subsection. Provision of a local loop capable of supporting DSL services by an incumbent LEC is presumed to be technically feasible if the incumbent LEC is capable of providing DSL services over that loop. In any dispute regarding the technical feasibility of any one method of unbundling a local loop capable of supporting DSL services, the incumbent LEC bears the burden of demonstrating to the Commission with clear and convincing evidence that it is not technically feasible to provide requesting telecommunications carriers with such an unbundled local loop in the requested manner.

- (1) Where the local loop is comprised solely of twisted copper pair(s), an incumbent LEC shall make such facility available to a requesting telecommunications carrier in no more than the same provisioning intervals the incumbent LEC adheres to in its retail operation, regardless of whether the requesting telecommunications carrier has requested an analog-conditioned, ISDN-conditioned, or xDSL-conditioned unbundled local loop.

- (2) Where the local loop includes a digital loop carrier component, then, at the option of the requesting telecommunications carrier, the incumbent LEC shall, inform the requesting telecommunications carrier of this condition and provide the requesting carrier with the following options:

- (i) If the requisite copper facilities exist between the remote terminal associated with the digital loop carrier and the serving central office (or functional equivalent), provide a local loop comprised solely of twisted copper pair(s) in no more than the same provisioning intervals the incumbent LEC adheres to in its retail operation, conditioned at the request of the requesting carrier to support analog, ISDN or xDSL services;
- (ii) If the digital loop carrier component supports ISDN or similar digital services, provision the local loop to support DSL services in no more than the same provisioning intervals the incumbent LEC adheres to in its retail operation by conditioning the loop to support DSL services and by installation at the remote terminal of an appropriate line card of the requesting carrier's choosing or provided directly by the requesting carrier to the incumbent LEC, and/or to offer the same functionality via an integrated unbundled network element ("UNE-equipped") which is a combination of the local loop and ISDN/digital functionality inherent in the digital loop carrier; and
- (iii) Any other technically feasible method of obtaining a loop capable of supporting DSL services requested by the requesting telecommunications carrier.

### (3) Next Generation DSLAMs/DLCs

- (i) Six months [from the effective date of this order] and every six months thereafter until the Chief of the Common Carrier Bureau determines otherwise, every incumbent LEC, except a rural telephone company as defined under Section 3 of the Act, shall file a report with the Common Carrier Bureau detailing the availability and functionality of Digital Subscriber Line Access Multiplexers ("DSLAMs") capable of being located in remote terminals within the non-rural incumbent LEC's territory and the associated central office equipment (such as ATM cross-connects), in order that the Chief of the Common Carrier Bureau might assess the availability, functionality, and cost, of remote DSLAMs and the associated central office equipment capable of supporting multiple technical implementations of digital subscriber line services (such as ADSL, SDSL, VDSL, HDSL). Other telecommunications carriers and interested parties (such as equipment providers) may file comparable reports and comments on the reports of any non-rural incumbent LEC.
- (ii) At such time as the Chief of the Common Carrier Bureau determines that multi-functional remote DSLAMs are reasonably available for deployment, every non-rural incumbent LEC shall, within two months, submit a plan detailing how it will install such equipment in certain existing digital loop carrier systems within five years and in all digital loop carrier systems installed after three months from the date of the determination. The plan submitted by the non-rural incumbent LECs shall document the plan for

installation of such equipment in only those locations covered by an effective interconnection agreement with a competing carrier, and only in those instances where the non-rural incumbent LEC has received a bona fide request from a requesting carrier to utilize such equipment.

- (4) *Avoidance of Harmful Interference.* Telecommunications carriers providing digital subscriber line service will adhere fully and completely to current and future ANSI or other recognized industry standards for equipment and binder group management to avoid the occurrence of harmful interference in the provision of digital subscriber line services. Subsequent to the development of such industry standards, all parties shall bring existing non-standard technologies into compliance with industry standards within 6 months of the effective date of such standards. Prior to the implementation of such standards, the incumbent LEC should file, within 60 days of adoption of final rules in this proceeding, with the Chief, Common Carrier Bureau, and with any requesting telecommunications carriers, its interim spectrum and binder group management guidelines. In its filing, the incumbent LEC must clearly and convincingly demonstrate that its guidelines do not favor the performance of the service, equipment, or technology used by the incumbent LEC (or its affiliate). The incumbent LEC must also demonstrate that it applies these guidelines in a nondiscriminatory manner to all service providers utilizing a particular service, equipment, technology, or binder group. Prior to FCC approval of the incumbent LEC's interim guidelines, incumbent LECs shall make all reasonable efforts (e.g., rearrangement within existing binder groups) to provide any local loop network element to any requesting telecommunications carrier.

(5) *Subloop Unbundling*

- (i) The local loop network element shall be further unbundled in the provisioning of digital subscriber line services in order to provide a requesting telecommunications carrier with interconnection and collocation at remote terminals. The minimum space and size requirements for physical collocation shall not apply to remote terminals.
- (ii) An incumbent LEC shall make space available within and around its own remote terminals on first-come, first-served basis, however, where space has been exhausted or does not exist, an incumbent LEC shall construct, upon request, on a documented reimbursable basis, facilities within its existing rights of way to effectuate interconnection and collocation at a remote terminal.

\* \* \*

- (h) *DS3 Link.* The DS3 Link element is defined as the provision of the full features, functions and capabilities of a two-point, 45 Mbps digital channel between a customer premises and the point of presence (POP), collocation node, or other office of the requesting telecommunications carrier, or between a customer premises and the POP, collocation node or other office of an authorized agent of the requesting telecommunications carrier. A requesting telecommunications carrier may use any of the features, functions and capabilities of an unbundled DS3 Link in any manner to support any telecommunications service that it seeks to offer.



## **Attachment 4**

### **Proposed Collocation and Unbundling Rules** (See Sprint Corporation's edits in revisions format)

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**COVAD'S SPRINT'S PROPOSED COLLOCATION AND LOOP RULE REVISIONS**

47 C.F.R. § 51.5 (Terms and Definitions) shall be amended by replacing the definitions of "Physical Collocation" and "Premises" as follows-

*Physical Collocation.* *Physical collocation* is required by Section 251 (c) (6) of the Act. Multiple technically feasible forms of physical collocation shall be made available by incumbent LECs, as described in 51.323 (a) of these Rules. All forms of physical collocation enable a requesting telecommunications carrier to:

- (1) Place any equipment that is integral to the provision of advanced services, including packet switching and ancillary equipment, CPE and other equipment, used or useful for interconnection or access to unbundled network elements within or upon an incumbent LEC's premises; Equipment used and useful for interconnection and access to unbundled network elements includes, but is not limited to, all features and functions of:
  - (a) Transmission equipment including, but not limited to, optical terminating equipment and multiplexers;
  - (b) Digital Subscriber Line Access Multiplexers ("DSLAMS");
  - (c) Remote access management equipment, including equipment used to access and monitor this equipment;
  - (d) Rack-mountable digital packet switches, cross-connect equipment, and routers; and
  - (e) Equipment being collocated to terminate basic transmission facilities pursuant to Sections 64.1401 and 64.1402 of this chapter as of August 1, 1996;
- (2) Use any or all the features, functions and capabilities of such equipment to interconnect with an incumbent LEC's network facilities for the transmission and routing of telephone exchange service, exchange access service, or both, or to gain access to an incumbent LEC's unbundled network elements for the provision of any telecommunications service;
- (3) Enter those premises, subject to reasonable terms and conditions permitted by Section 51.323 of these Rules, to install, maintain, and repair equipment used or useful for interconnection or access to unbundled elements;
- (4) Obtain reasonable amounts of space ~~(in single-bay increments)~~ within or upon an incumbent LEC's premises, as provided in this part, for the equipment used or useful for interconnection or access to unbundled elements, allocated on a first - come, first - served basis. Technical

feasibility shall include the relocation of the ILECs existing equipment from one bay to another to allow for contiguous collocation space; and  
(5) With respect to the central office or remote locations in which collocation is being requested, obtain loop prequalification information regarding average loop length, a reasonable estimate of (or actual, if available) the percentage of loops served from the central office that are less than 18,000 feet, 12,000 feet, and 9,000 feet from the central office or remote location, the percentage of customers served by any type of digital line concentrators, geographic areas where there are limitations on the deployment of xDSL equipment due to power spectrum density considerations, or any other limitations or restrictions that would prevent or constrain the provision of xDSL services via that physical collocation arrangement.

*Premises.* *Premises* refers to an incumbent LEC's central offices, remote locations, and serving wire centers, as well as all buildings and structures owned or leased by an incumbent LEC to house its network facilities, and all structures that house incumbent LEC facilities on public rights-of-way, including but not limited to terminals and vaults containing loop concentrators, or similar structures, ~~as well as all land or space owned or leased by and incumbent LEC around such central offices, serving wire centers, buildings and structures.~~

47 C.F.R. § 51.321 shall be amended by replacing subsections (b), (c), (d), (e), (f) and (h) as follows-

- (b) Technically feasible methods of obtaining interconnection or access to unbundled network elements include, but are not limited to:
  - (1) Physical collocation and virtual collocation at the premises of an incumbent LEC (including all forms of physical collocation as defined by Section 51.323 (a) of these Rules); and
  - (2) Meet point interconnection arrangements.
- (c) A previously successful method of obtaining interconnection or access to unbundled network elements at a particular premises or point on the network of a telecommunications carrier ( including any particular form of physical collocation as defined in Section 51.323 (a)) is substantial evidence that such method is technically feasible in the case of substantially similar network premises or points on any incumbent LEC's network.
- (d) An incumbent LEC that denies a request for a particular method of obtaining interconnection or access to unbundled network elements on the incumbent LEC's network (including any particular form of physical collocation as defined in Section 51.323 (a)) shall notify the state commission of the dispute within five (5) business days, and must prove to the state commission with clear and convincing evidence that the requested method of obtaining interconnection or access to unbundled network elements at the requested point is not technically feasible. In the event that the state commission does not enter a decision in this dispute within sixty (60) calendar days of the incumbent LEC's denial, any party to the dispute may request the Commission to act pursuant to the procedures of Sections 51.801, *et seq.* of these Rules. A state commission's application of a different legal standard or burden of proof in resolving a dispute pursuant to this subsection shall constitute a failure of the state to carry out its responsibility under Section 252 of the Act, and any party in that proceeding may immediately request the Commission to act pursuant to the procedures of Sections 51.801, *et seq.* of these Rules.
- (e) An incumbent LEC shall be required to provide for any technically feasible form of physical collocation of equipment used or useful for interconnection or access to unbundled network elements within or upon a particular incumbent LEC premises ~~until~~ unless it demonstrates with clear and convincing evidence to the state commission (and the state commission finds that the incumbent LEC has met this burden within sixty days (60) calendar days of the incumbent LEC's demonstration) that the requested form of physical collocation within or upon that particular premises is not practical for technical reasons or because of space limitations. The incumbent LEC must make the

demonstration required by this subsection within thirty (30) calendar days of rejecting any application for any form of physical collocation within or upon any premises of that incumbent LEC by any requesting telecommunications carrier. This demonstration must contain clear and convincing evidence that the incumbent LEC is in full compliance with the requirements of Section 51.323 (f) (including Sections 51.323 (f) (3), (4), (5), (8), and (9), ~~and (10)~~ of this part. The incumbent LEC shall serve this demonstration upon all requesting telecommunications carriers who have applied for any form of physical collocation at that particular incumbent LEC premises within twelve (12) months of the date of the demonstration and upon all entities that have already established any form of physical collocation at the particular incumbent LEC premises. In such cases where the state commission finds that the incumbent LEC's demonstration has met its burden within sixty (60) calendar days of the filing required by this subsection, the incumbent LEC shall be required to provide virtual collocation, except at points where the incumbent LEC proves to the state commission that virtual collocation is not technically feasible by clear and convincing evidence. If virtual collocation is not technically feasible, the incumbent LEC shall provide other methods of interconnection and access to unbundled network elements to the extent technically feasible. In the event that the state commission does not act within sixty (60) calendar days of receiving an incumbent LEC filing made pursuant to this subsection, any party in that proceeding may request the Commission to act pursuant to the procedures of Section 51.801, *et seq.* of these Rules. A state commission's application of a different legal standard or burden of proof in a proceeding initiated pursuant to this subsection shall constitute a failure of the state to carry out its responsibility under Section 252 of the Act, and any party in that proceeding may immediately request the Commission to act pursuant to the procedures of Sections 51.801 *et seq.* of these Rules.

- (f) As part of the demonstration required by subsection (d) or (e) above, and incumbent LEC shall submit to the state commission detailed floor plans or diagrams of any premises where the incumbent LEC claims that physical collocation is not practical because of space limitations. Subject to an appropriate protective order requested by the incumbent LEC, the incumbent LEC shall provide a copy of these detailed floor plans or diagrams to all requesting telecommunications carriers ~~served by the incumbent LEC's demonstration~~ and to any interested party within five business days of the interested party's request.

\* \* \*

- ~~(h)~~ Within five (5) business days of rejecting any application by a requesting telecommunications carrier for any form of physical collocation of equipment at the incumbent LEC's premises for technical reasons or because of space limitations, the incumbent LEC shall (subject to an appropriate protective

order) provide, upon request, the requesting carrier detailed floor plans or diagrams of the particular premises and permit the requesting telecommunications carrier to tour the particular premises during regular business hours.

Section 51.323 (Standards for Physical Collocation and Virtual Collocation) is amended by replacing current subsections (a), (b), (c), (f), (i) and (j) and inserting new subsections (k) and (l) as follows -

(a) An incumbent LEC shall provide physical collocation and virtual collocation to requesting telecommunications carriers.

(1) An incumbent LEC has the obligation to provide requesting telecommunications carriers with any technically feasible physical collocation arrangement, pursuant to the procedures of Section 51.321 of these Rules, including, but not limited to, cageless physical collocation, CEV hut collocation, and shared cage collocation.

(2) As used in this part, "cageless physical collocation" is a form of physical collocation in which a requesting telecommunications carrier has the ability to place its own equipment in single bay increments within or upon already-conditioned floor space in an incumbent LEC's premises. The requesting telecommunications carrier may (i) use all the features, functions and capabilities of such equipment to interconnect with an incumbent LEC's network facilities for the transmission and routing of telephone exchange service, exchange access service, or both or to gain access to an incumbent LEC's unbundled network elements for the provision of a telecommunications service; (ii) enter those premises, subject to reasonable and nondiscriminatory terms and conditions, to install, maintain, and repair such equipment; (iii) obtain single-bay increments of conditioned floor space within or upon the incumbent LEC's premises for equipment used or useful for interconnection or access to unbundled elements, allocated on a first-come, first-served basis, as required by this part; and (iv) reserve, on terms at least at parity with the incumbent LEC self-reservation policies, adjacent conditioned space for an additional three bays of equipment for up to three months.

(3) As used in this part, "CEV hut collocation" is a form of physical collocation in which a requesting telecommunications carrier has the ability to place its own equipment in a controlled environmental vault ("CEV" hut) within or upon an incumbent LEC's premises. The CEV hut may be designed or otherwise procured and installed by the requesting telecommunications carrier. An incumbent LEC shall provide power, cabling and other physical collocation services and facilities to requesting telecommunications carriers on nondiscriminatory terms, with costs borne by the requesting carrier. ~~An incumbent LEC shall not require the requesting telecommunications carrier to trench or have trenched any cabling or conduit connecting the CEV hut to the incumbent LEC premises.~~

(4) Shared cage collocation is an arrangement in which a physical collocation ~~node~~ space occupied by a current collocater is shared ~~by two~~ with one or

more requesting telecommunications carriers pursuant to terms and conditions agreed to by those carriers. -Sharing or subletting of physical collocation space shall require the approval of the incumbent LEC, however, the incumbent LEC shall not unreasonably withhold approval of these shared collocation arrangements. Within ten (10) business days of being notified that two or more requesting

telecommunications carriers are requesting to sharing a physical collocation node, the incumbent LEC shall affirmatively respond to the proposed arrangement. ~~accept, provision and bill separately orders for telecommunications services and /or unbundled network elements from all of the requesting telecommunications carriers sharing that single physical collocation node.~~

- (5) To the extent technically feasible, incumbent LECs shall, at a minimum, afford all requesting telecommunications carriers parity in rates, ~~the terms and conditions for all forms of physical collocation.~~ As used in this section, "parity" means that all requesting telecommunications carriers shall be subjected to only the same rates, terms and conditions in physically collocating equipment within or upon incumbent LEC premises as incurred by the incumbent LEC when it locates and operates its own equipment within or upon its premises.
- (b) An incumbent LEC shall permit the collocation of any type of NEBS level 1-compliant equipment used or useful for interconnection or access to unbundled network elements in the provision of a telecommunications service. Except as expressly approved by the Commission upon application by an incumbent LEC, an incumbent LEC may not impose any safety standards upon any type of equipment that a requesting telecommunications carrier seeks to collocate, and an incumbent LEC may not impose more restrictive safety standards upon collocated equipment than it applies to similar equipment that it has placed within or upon any of its premises for similar purposes. If an incumbent LEC objects to collocation of any particular piece of equipment, the incumbent LEC must immediately provide certification that it does not use this or similar non-NEBS level 1 compliant equipment in its own network, must certify that other collocating parties have not placed equipment that is not NEBS level 1 compliant; and if non-NEBS level 1 compliant equipment has been installed, must provide a list of such equipment and the party operating the equipment. ~~make available to the collocating telecommunications carrier a list of all equipment (including make and model number) that it has accepted for collocation and a list of all equipment (including make and model number) that the incumbent LEC uses within or upon its premises.~~ Conversely, collocating telecommunications carriers must disclose the type(s) of equipment (including make and model number) placed in its collocation space, both at the time of initial placement and at the time of any and all augmentations. In the event an incumbent LEC objects to collocation of equipment by a collocating telecommunications carrier for purposes within the scope of the Act, the incumbent also must, within five (5) business days, file with the Commission, and serve upon the collocating telecommunications carrier via overnight



delivery service or electronic mail, clear and convincing proof supporting that position. The Commission shall act within sixty (60) calendar days of the incumbent LEC's filing made pursuant to this subsection. ~~The incumbent LEC shall have the burden of proof in all disputes brought pursuant to this subsection, and the incumbent LEC may not prohibit, or take steps that effectively prohibit, the collocating telecommunications carrier from using any piece of equipment until the incumbent LEC obtains a decision from the Commission supporting the incumbent LEC's position in any dispute identified pursuant to this subsection. Equipment used and useful for interconnection and access to unbundled network elements includes, but is not limited to, all features and functions of:~~

- ~~(1) Transmission equipment including, but not limited to, optical terminating equipment and multiplexers;~~
- ~~(2) Digital Subscriber Line Access Multiplexers ("DSLAMS");~~
- ~~(3) Remote access management equipment, including equipment used to access and monitor this equipment;~~
- ~~(4) Rack-mountable digital packet switches, cross-connect equipment, and routers; and~~
- ~~(5) Equipment being collocated to terminate basic transmission facilities pursuant to Sections 64.1401 and 64.1402 of this chapter as of August 1, 1996.~~

~~(c) Incumbent LECs shall not restrict collocating telecommunications carriers from utilizing any and all features and functions in rack-mountable, collocated equipment, including, but not limited to, any and all packet-switching or routing features and functions.~~

(c) Nothing in this section requires an incumbent LEC to permit collocation of circuit-based switching equipment or equipment used solely to provide enhanced services.

\* \* \*

(f) An incumbent LEC shall allocate space for the collocation of the equipment identified in paragraph (b) of this section pursuant to the following requirements:

- (1) An incumbent LEC shall, for physical collocation, make single-bay increments of space available within or upon its premises to requesting telecommunications carriers on a first-come, first-served basis, provided, however, that the incumbent LEC shall not be required to lease or construct additional space at central offices and wire centers to provide for physical collocation when existing space has been exhausted;
- (2) An incumbent LEC shall, for virtual collocation, make space available within or upon its premises to requesting telecommunications carriers on a

first-come, first-served basis;

- (3) If requested by a requesting telecommunications carrier, an incumbent LEC shall remove non-essential i.e., not directly related to the function of that particular central office or remote location -administrative offices, recreational space, and any obsoleteunused, little used, or retired equipment within or upon its premises; prior to denying a request for physical collocation on grounds of space limitations;
- (4) To the extent technically feasible, an incumbent LEC shall make contiguous space available to requesting telecommunications carriers that seek to expand their existing collocation space. Technical feasibility shall include relocation of incumbent LEC equipment from one bay to another to create contiguous cageless collocation space;
- (5) When planning renovations of existing facilities or constructing or leasing new facilities, an incumbent LEC shall make known its expansion plans and allow for input by collocating carriers and shall take into account projected demand for collocation of equipment to the extent forecasts for such demand have been submitted by collocating carriers to the incumbent LEC;
- (6) If an incumbent LEC receives an application for physical collocation on an incumbent LEC premises and the incumbent LEC has sufficient amount of already-conditioned or prepared floor space anywhere within or upon that premises that would accommodate that application, the incumbent LEC shall construct the collocation cage, if applicable, and provide the requesting telecommunications carrier that space within 4590 calendar days, and may only charge the requesting telecommunications the incremental power, cabling and floor space rental costs of establishing the collocation node in that space. In such event, the incumbent LEC shall not charge the requesting telecommunications carrier any proportionate, pro-rata, or any other form of conditioning, room preparation, or other space preparation fees. The incumbent LEC shall construct a collocation cage or cabinet around that space only upon the request of the requesting telecommunications carrier. In the event the incumbent LEC does not believe that enough suitable, already-conditioned or prepared floor space is available, it shall, within five ten (5)(10) business days, notify the requesting telecommunications carrier of the belief, and the procedures of Section 51.321 (e) shall apply to any dispute between the requesting telecommunications carrier and the incumbent LEC on this subject.
- (7) In the event the incumbent LEC is required to condition, relocate administrative offices, relocate equipment between bays to create contiguous space or otherwise prepare additional floor space in response to a particular request for physical collocation, the incumbent LEC may require more time to prepare the space for collocation, but in no case should the time exceed 180 calendar days from the date of application. Further, the incumbent LEC it may only charge the requesting telecommunications carrier for relocation, the pro-rata share of conditioning and/or space preparation costs associated with the amount of space requested;
- (8) An incumbent LEC may retain a limited amount of floor space for its own specific future uses, provided, however, that the incumbent LEC may not reserve space for future uses on terms more favorable than those that apply to other telecommunications carriers seeking to reserve collocation space for their own future use. In no event shall any incumbent LEC reserve more

~~than three days of space for longer than threetwelve months for itself or for any other entity. In the event an incumbent LEC retains a limited amount of floor space for its own specific future uses, for those locations where demand for physical space exceeds space available it shall file every six (6) months with the appropriate state commission: (i) a list of its premises where it has exercised its rights pursuant to this subsection; (ii) the amount and location of floor space it has retained in each of these premises; (iii) a description of the specific future use for which the incumbent LEC has retained said space; and (iv) a detailed floor plan or diagram of the particular incumbent LEC premises. Subject to an appropriate protective order, these filings shall be served upon any requesting telecommunications carrier that has applied for physical collocation in that particular LEC premises in the past six (6) months and upon all entities that have established a collocation node at that particular premises. Other requesting telecommunications carriers may obtain copies of these filings subject to an appropriate protective order; and~~

~~(9) An incumbent LEC shall relinquish any space held for future use pursuant to this subsection before denying any request or application for physical collocation on the grounds of space limitations, unless the incumbent LEC proves to the state commission pursuant to Section 51.321 (e) of these Rules that physical collocation at that point is not technically feasible; and~~

~~(10)(9) An incumbent LEC may impose reasonable restrictions on the warehousing of unused space by collocating telecommunications carriers, provided, however, that the incumbent LEC shall not set maximum space limitations applicable to such carriers unless the incumbent LEC proves to the state commission that space constraints make such restrictions necessary with respect to the particular premises.~~

\* \* \*

(i) With regard to all forms of physical collocation, an incumbent LEC may, at its own expense and without subjecting the requesting telecommunications carrier to any delay in obtaining collocation space, require reasonable and nondiscriminatory security arrangements. Reasonable security arrangements may include security escorts, background checks, key card entry systems, video surveillance systems, equipment cabinets or lockers and alarms. Incumbent LECs may charge a fee that recovers the cost of specific security arrangements (i.e., security escorts) directly attributable to that telecommunications carrier. ~~These security arrangements shall not, however be any more stringent or limiting that similar security arrangements that the incumbent LEC maintains at its premises for its own employees or employees of authorized contractors with access to similar incumbent LEC premises. Incumbent LECs may require requesting telecommunications carriers to install, maintain or repair equipment collocated pursuant to cageless physical collocation (as defined in this section) pursuant to nondiscriminatory "safe-time" work policies, if the incumbent LEC utilizes the same polices for installation, maintenance or repair of its own telecommunications equipment. Evidence that the incumbent LEC requires more stringent or different security arrangements or work policies upon collocated telecommunications carriers than it requires for its own employees~~

~~or employees of authorized contractors with access to similar incumbent LEC premises shall be *prima facie* evidence of discriminate and a violation of this rule and may be addressed by the Commission's enforcement procedures. In no event shall an incumbent LEC, based solely on security concerns or any other concern, refuse to provide or delay the provision of any form of physical collocation (including cageless physical collocation) to a requesting telecommunications carrier. In no event shall an incumbent LEC, based solely on security concerns, or any other concern, require a requesting telecommunications carrier to pay for or await space, floor or room conditioning work if already-conditioned space is available within or upon the premises on a single-bay increment. In no event shall an incumbent LEC's security arrangements or other security policies unduly restrict or hinder the ability of the requesting telecommunications carrier to maintain a high level of customer service, including, but not limited to, security arrangements that would unduly limit, restrict or effectively prohibit the ability of a requesting telecommunications carrier to repair collocated telecommunications equipment at any time to correct as soon as possible a service outage or service impairment.~~

- (j) An incumbent LEC shall permit a requesting telecommunications carrier to subcontract all work associated with collocation cage or rack construction and equipment placement the provision of any form of physical collocation, including, but not limited to the room, floor or space conditioning or preparation (e.g., HVAC, asbestos removal, etc.) with contractors approved by the incumbent LEC; provided, however, that the incumbent LEC shall not unreasonably withhold approval of contractors and work to be performed. Approval by an incumbent LEC shall occur within thirty (30) days of application to the incumbent LEC and shall be based on the same criteria it uses in approving contractors or work performance for its own purposes.
- (k) Within six months of the effective date of these rules, all incumbent LECs shall create, maintain and make available (upon request and posted on the Internet, or through ILEC publication in accordance with Par. 51.325 through 51.334 of Title 47 of the Code of Federal Regulations) a report of the collocation space availability status in each of their central offices, wire centers, or comparable facilities that serve in excess of 10,000 access lines in the top 100 MSAs. For the remaining central offices, wire centers, or compatible facilities that serve in excess of 10,000 access lines in the remaining MSAs, the incumbent LECs shall create, maintain, and similarly make available such a report pursuant to a bona fide request. This report shall include the following information for each premises: (i) address, town and state; (ii) CLLI code; (iii) number of entities with established physical collocation arrangements; (iv) number of entities with established virtual collocation arrangements; (v) total amount of floor space supporting physical collocation arrangements; (vi) amount of already-conditioned floor space (listed in bays) available for collocation; (vii) all forms of physical collocation (including, but not limited to cageless and CEV) and virtual collocation that are available on the premises; (viii) amount of floor space being retained by the incumbent LEC for future specific uses pursuant to

subsection (f); (ix) amount of floor space devoted to collocation arrangements that are currently in process; and (x) measures the incumbent LEC is taking to comply with Section 51.323 of these Rules and make additional space available for physical collocation; (xi) the number of loops served from the serving location by loop type; (xii) a reasonable estimate of (or actual, if available) the percentage of loops that are less than 18,000 feet, 12,000 feet, and 9,000 feet in length; and (xiii) the number of loops served from digital loop carriers. The incumbent LEC shall update this report every six months and whenever the incumbent LEC installs, replaces, retires or removes equipment from the premises.

- (l) Except as explicitly provided in this part, all disputes related to the rates, terms and conditions of all forms of physical and virtual collocation implemented pursuant to FCC rule shall be resolved by application or complaint to the Commission.
- (m) At such time as the requesting telecommunications carrier adds to or modifies the type or quantity of equipment in its already-existing collocation cage (i.e. augments the equipment placed in the existing collocation space) that requires the incumbent LEC to modify power, HVAC, or other environmental conditioning, it must support the request with a written description and justification and of the planned equipment change. Absent extenuating circumstances, the incumbent LEC must accommodate such a change within 30 calendar days and at a total cost no greater than the incremental cost of engineering review and equipment placement or modification (e.g., power increases), to the extent the requested changes are consistent with the requesting telecommunications carriers initial forecast. To the extent the requested changes are materially different than what was forecasted, the incumbent LEC must accommodate such changes within 60 calendar days (absent extenuating circumstances), at a cost no greater than the incremental cost of engineering review and equipment placement or modification.

47 C.F.R. § 51.319 (Specific unbundling requirements)

§51.319 Specific unbundling requirements, is amended by replacing subsection (a) as follows and adding subsection (h) as follows-

(a) *Local Loop.* The local loop network element is defined as the total features, functions and capabilities of an incumbent LEC's transmission facility between a distribution frame (or its equivalent) in an incumbent LEC central office and/or remote location and an end user customer premises. The provision of a local loop by an incumbent LEC may involve the conditioning or modification of that facility to support analog (by, *inter alia*, insertion of analog load coils and repeater and removal of any digital repeaters and certain digital line cards along the path of the transmission facility), ISDN (by, *inter alia*, insertion of appropriate digital line cards and digital repeaters and removal of any excessive bridge taps, analog load coils and unsuitable repeaters along the path of the transmission facility), or xDSL services (by, *inter alia*, insertion of appropriate digital line cards and digital repeaters and removal of any excessive bridge taps, analog load coils and unsuitable repeaters along the path of the transmission facility). The requesting telecommunications carrier shall choose whether it is to be provided an analog-conditioned, ISDN-conditioned, or xDSL-conditioned unbundled local loop. A requesting telecommunications carrier may use any of the features, functions and capabilities of an unbundled local loop in any manner to support any telecommunications service that it seeks to offer. An unbundled local loop may be used by a requesting telecommunications carrier for any purpose or service consistent with these Rules and the Act. The requesting telecommunications carrier may request any technically feasible unbundling of a local loop capable of supporting DSL services including, but not limited to, the methods described in this subsection. Provision of a local loop capable of supporting DSL services by an incumbent LEC is presumed to be technically feasible if the incumbent LEC is capable of providing DSL services over that loop. In any dispute regarding the technical feasibility of any one method of unbundling a local loop capable of supporting DSL services, the incumbent LEC bears the burden of demonstrating to the Commission with clear and convincing evidence that it is not technically feasible to provide requesting telecommunications carriers with such an unbundled local loop in the requested manner.

- (1) Where the local loop transmission facility is comprised solely of twisted copper pair(s), an incumbent LEC shall make such facility available to a requesting telecommunications carrier in no more than the same provisioning intervals the incumbent LEC adheres to in its retail operation, within ten (10) days of the initial request, regardless of whether the requesting telecommunications carrier has requested an analog-conditioned, ISDN-conditioned, or xDSL-conditioned unbundled local loop.
- (2) Where the local loop transmission facility includes a digital loop carrier component, then, at the option of the requesting telecommunications carrier, the incumbent LEC shall, inform the requesting telecommunications carrier of this condition and provide the requesting carrier with the following options:

- (i) If the requisite copper facilities exist between the remote terminal associated with the digital loop carrier and the serving central office (or functional equivalent), provide a local loop transmission facility comprised solely of twisted copper pair(s) in no more than the same provisioning intervals the incumbent LEC adheres to in its retail operation, within ten (10) days of the initial request, conditioned at the request of the requesting carrier to support analog, ISDN or xDSL services;
- (ii) ~~If the requisite copper facilities between the remote terminal associated with the digital loop carrier and the serving central office (or functional equivalent) does not exist, provide a transmission facility comprised solely of twisted copper pair(s) within ten (10) days of the initial request, conditioned at the request of the requesting carrier to support analog, ISDN, or xDSL services;~~
- (iii) ~~(i)~~ If the digital loop carrier component supports ISDN or similar digital services, provision the local loop to support DSL services in no more than the same provisioning intervals the incumbent LEC adheres to in its retail operation within ten (10) days of the initial request by conditioning the loop to support DSL services and by installation at the remote terminal of an appropriate line card of the requesting carrier's choosing or provided directly by the requesting carrier to the incumbent LEC; and/or to offer the same functionality via an integrated unbundled network element ("UNE-equipped") which is a combination of the local loop and ISDN/digital functionality inherent in the digital loop carrier; and
- (iv) ~~(ii)~~ Any other technically feasible method of obtaining a loop capable of supporting DSL services requested by the requesting telecommunications carrier.

### (3) Next Generation DSLAMs/DLCs

- (i) Six months [from the effective date of this order] and every six months thereafter until the Chief of the Common Carrier Bureau determines otherwise, every incumbent LEC, except a rural telephone company as defined under Section 3 of the Act, serving over 2 percent of the nation's total access lines shall file a report with the Common Carrier Bureau detailing the availability and functionality of Digital Subscriber Line Access Multiplexers ("DSLAMs") capable of being located in remote terminals within the non-rural incumbent LEC's territory and the associated central office equipment (such as ATM cross-connects) in order that the Chief of the Common Carrier Bureau might assess the availability, functionality, and cost, of remote DSLAMs and the associated central office equipment capable of supporting multiple technical implementations of digital subscriber line services (such as ADSL, SDSL, VDSL, HDSL). Other telecommunications carriers and interested parties (such as equipment providers) may file comparable reports and comments on the reports of any non-rural incumbent LEC.
- (ii) At such time as the Chief of the Common Carrier Bureau determines that

multi-functional remote DSLAMs are reasonably

|



available for deployment, every non-rural incumbent LEC serving over 2 percent of the nation's access lines shall, within two months, submit a plan detailing how it will install such equipment in certain existing digital loop carrier systems within five years and in all digital loop carrier systems installed after three months from the date of the determination. The plan submitted by the non-rural incumbent LECs shall document the plan for installation of such equipment in only those locations covered by an effective interconnection agreement with a competing carrier, and only in those instances where the non-rural incumbent LEC has received a bona fide request from a requesting carrier to utilize such equipment.

- (4) *Avoidance of Harmful Interference.* Telecommunications carriers providing digital subscriber line service will adhere fully and completely to current and future ANSI or other recognized industry standards for equipment and binder group management coordinate fully under the auspices of the Chief, Common Carrier Bureau to avoid the occurrence of harmful interference in the provision of digital subscriber line services. Subsequent to the development of such industry standards, all parties shall bring existing non-standard technologies into compliance with industry standards within 6 months of the effective date of such standards. Prior to the implementation of such standards, the incumbent LEC should file, within 60 days of adoption of final rules in this proceeding, with the Chief, Common Carrier Bureau and with any requesting telecommunications carriers, its interim spectrum and binder group management guidelines. In its filing, the incumbent LEC must clearly and convincingly demonstrate that its guidelines do not favor the performance of the service, equipment, or technology used by the incumbent LEC (or its affiliate). The incumbent LEC must also demonstrate that it applies these guidelines in a nondiscriminatory manner to all service providers utilizing a particular service, equipment, technology, or binder group. Prior to FCC approval of the incumbent LECs interim guidelines, incumbent LECs shall make all reasonable efforts (e.g., rearrangement within existing binder groups) The presence of interference shall not be used by an incumbent LEC as a reason for refusing to provide, or to cease the provision of, any local loop network element to any requesting telecommunications carrier.

(5) *Subloop Unbundling*

- (i) The local loop network element shall be further unbundled in the provisioning of digital subscriber line services in order to provide a requesting telecommunications carrier with interconnection and collocation at remote terminals. The minimum space and size requirements for physical collocation shall not apply to remote terminals.
- (ii) An incumbent LEC shall make space available within and around its own remote terminals on first-come, first-served basis, however, where space has been exhausted or does not exist, an incumbent LEC shall construct, upon request, on a documented reimbursable basis, facilities within its existing rights of way to effectuate interconnection and collocation at a remote terminal.

- (h) *DS3 Link*. The DS3 Link element is defined as the provision of a the full features, functions and capabilities of a two-point, 45 Mbps digital channel between a customer premises and the point of premises presence (POP), collocation node, or other office of the requesting telecommunications carrier, or between a customer premises and the POP, collocation node or other office of an authorized agent of the requesting telecommunications carrier. A requesting telecommunications carrier may use any of the features, functions and capabilities of an unbundled DS3 Link in any manner to support any telecommunications service that it seeks to offer.